

DETAILED ACTION

This Office Action is in response to 9/15/2008 response. Objections to the drawings and the specification have been withdrawn. No claims have been amended. However, the Applicant's arguments were not found to be persuasive. Applicant asserts that claim 1 is not taught by Sneed, and that all other prior art used in other claim rejections under 103 do not make up for the deficiency of Sneed. However, as given below, claim 1 is anticipated by Sneed. Thus, the arguments regarding that the other prior arts do not teach "dynamically selecting a suitable peer on the network," are moot.

Accordingly, a Final Rejection is given.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 6, 14-17, 19-21 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Sneed, et al. (European Patent Application No. EP 0 980 055 A1).

5. Regarding claim 1, Sneed discloses a payment processing method using a network of data processing peers (see Figures 1 and 2, and Abstract), including:

- a peer receiving a payment request from a user (Figure 2 and paragraph 0029);
- the peer dynamically selecting a suitable peer on the network to process the payment request (paragraphs 0016-0017 and 0031);
- the peer conveying user information and payment information to the selected peer (paragraphs 0016-0017 and 0031); and
- the selected peer attempting to debit an account associated with the user, based at least partially on the conveyed information (paragraphs 0031-0034).

Response to Arguments

Applicant has asserted that Sneed does not teach "selecting a suitable peer," because this implies choosing multiple options. The Office disagrees with the Applicant's assertion. When the wireless meters send information to a radio base station, it has selected a suitable peer to communicate with. Thus, the phrase does not necessarily imply choosing multiple options.

6. Regarding claim 2, Sneed further discloses alerting the user about success or failure of the attempting by the selected peer (paragraphs 0031-0034).

7. Regarding claim 3, Sneed further discloses providing at least one of a good, a service, a privilege, and a right to the user if the attempting by the selected peer is successful (paragraphs 0032-0034).

8. Regarding claim 6, Sneed further discloses that the conveyed information is relayed to the selected peer by at least one message-passing peer belonging to the network (paragraphs 0016-0017 and 0031).

9. Regarding claim 14, Sneed further discloses that the selected peer includes an entry port where the payment request is received from the user (paragraphs 0016-0017 and 0031).

10. Regarding claim 15, Sneed further discloses that the attempting by the selected peer includes locating a payment processing service external to the network of the peers to execute a debit against an account associated with the user (paragraphs 0016-0017 and 0031).

11. Regarding claim 16, Sneed further discloses that the payment processing service includes an entity selected from the group consisting of: a credit card processing service, a bank, a financial transaction clearinghouse, and a combination thereof (paragraphs 0016-0017 and 0031).

12. Regarding claim 17, Sneed further discloses that at least one of the peers includes a parking meter (paragraph 0017).

13. Regarding claim 19, Sneed further discloses that a pair of the peers communicate via a wired link (Figure 1 and paragraphs 0016-0017).

14. Regarding claim 20, Sneed further discloses that a pair of the peers communicate via a wireless link (Figure 1 and paragraphs 0016-0017).

15. Regarding claim 21, Sneed further discloses that a pair of the peers communicate using a network security protocol (paragraph 0031).

16. Regarding claim 24, Sneed further discloses that the security protocol includes data encryption (paragraph 0031).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject

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matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 25 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sneed in view of Coutts, et al. (US Patent Application Publication No. 2002/0099634).

18. Regarding claim 25, Sneed discloses a payment processing method using a network of data processing peers (see Figures 1 and 2, and Abstract), including:

- a peer receiving a payment request from a user (Figure 2 and paragraph 0029);
- the peer dynamically selecting a suitable peer on the network to process the payment request (paragraphs 0016-0017 and 0031);
- the peer conveying user information and payment information to the selected peer (paragraphs 0016-0017 and 0031); and
- the selected peer attempting to debit an account associated with the user, based at least partially on the conveyed information (paragraphs 0031-0034).

However, Sneed does not explicitly disclose selecting a peer based at least partially on stored information about availability and service competency of the peers. Coutts, in an analogous art, discloses a transaction processing system including individual devices

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can be linked on a peer-to-peer basis (see Abstract) wherein each peer creates and maintains a functional group registry containing a list of active peers and their functions (paragraphs 0129-0141) for the purpose of allowing the system to determine what peers are available in order to accurately reflect which services are available to the user (paragraph 0138). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the peers of Sneed to include functional group registries of active peers in order to accurately reflect which services are available to the user, as taught by Coutts.

Response to Applicant's Arguments

Applicant has asserted that Coutts does not describe, suggest or teach individual peripheral device "peers" selecting suitable peers on the network. The Applicant asserts that Coutts does not describe peripheral peers selecting any other peers, whether present in the same ATM or a different ATM. The Office disagrees with the Applicant's assertion.

As paragraph 138 states, a determination is made as to which peripherals are available. Thus, Coutts does teach individual peripheral device "peers" selecting suitable peers on the network.

19. Regarding claim 27, Coutts further discloses that the stored information is updated to reflect an addition of a peer to the network (paragraphs 0133-0142).

20. Regarding claim 28, Coutts further discloses that the stored information is updated to reflect a deletion of a peer from the network (paragraphs 0133-0142).

21. Claims 4, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sneed in view of Odinotski, et al. (US Patent Application Publication No. 2004/0181496).

22. Regarding claims 4, Sneed teaches the limitations of claim 1, as discussed above. However, Sneed does not explicitly disclose the selected peer reporting at least a portion of the conveyed information and information about success or failure of the attempting by the selected peer to a monitoring peer on the network. Odinotski, in an analogous art, discloses a networked metered parking system including a plurality of standalones (see Abstract) wherein parking related data is transmitted to and stored on at least one other standalone in a mirroring process to provide a distributed database of information, for the purpose of providing a more robust and resilient database (Figures 7 and 8, and paragraphs 0034-0036). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sneed to report transaction data to several peers for the purpose of providing a more robust and resilient database, as taught by Odinotski.

23. Regarding claim 5, Odinotski further discloses that the monitoring peer storing the reported information at a data storage repository. In particular, Odinotski discloses that

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a central management station may also compile data from all the standalones (Figure 9 and paragraphs 0065-0072).

24. Regarding claim 7, Odinotski further discloses dynamically selecting is based on a set of at least one criterion including a metric selected from the group consisting of: route length, route latency, data transmission speed, peer availability, cost overhead associated with a peer, and a combination thereof (paragraphs 0078-0082).

25. Claims 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sneed in view of Coutts and further in view of Odinotski.

26. Regarding claim 26, the combination of Sneed and Coutts teaches the limitations of claim 25, as discussed above. However, Sneed does not explicitly disclose that the stored information is updated upon a payment request being responded to by the selected peer. As discussed above, Odinotski, in an analogous art, discloses a networked metered parking system including a plurality of standalones (see Abstract) wherein parking related data is stored on the standalone before being transmitted to and stored on at least one other standalone in a mirroring process to provide a distributed database of information, for the purpose of providing a more robust and resilient database (Figures 7 and 8, and paragraphs 0034-0036). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sneed to report transaction data to several peers for the purpose of providing

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a more robust and resilient database, as taught by Odinotski.

The Examiner notes that language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation, for example, statements of intended use. In particular, the limitation directed to "the updated information to be employed by the peer for a future payment request" simply reflects an intended use of the information.

27. Regarding claim 29, Sneed does not explicitly disclose the peer broadcasting the updated information to at least one other peer on the network. As discussed above, Odinotski, in an analogous art, discloses a networked metered parking system including a plurality of standalones (see Abstract) wherein parking related data is transmitted to and stored on at least one other standalone in a mirroring process to provide a distributed database of information, for the purpose of providing a more robust and resilient database (Figures 7 and 8, and paragraphs 0034-0036). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sneed to report transaction data to several peers for the purpose of providing a more robust and resilient database, as taught by Odinotski.

28. Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sneed, in view of Pouyoul, et al. (US Patent No. 7,165,107) and Official Notice.

29. Regarding claim 8, Sneed teaches the limitations of claim 1, as discussed above.

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However, Sneed does not explicitly disclose pinging a peer on the network to request a payment processing service. Pouyoul, in an analogous art, teaches a system for dynamic, transparent migration of services in a peer-to-peer networking environment (see Abstract) in which peers can send a ping message to other peers for the purpose of checking if a peer is alive and/or to get information about the services the peer are able to provide (column 43, lines 1-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sneed to ping its credit validation server in order to ensure its availability and functionality, as taught by Pouyoul.

30. Regarding claim 9, as discussed above, Pouyoul teaches that it would have been obvious to include a pinging process in Sneed. The Examiner takes Official Notice it was old and well-known in the art that in response to a request for payment processing services, the peer receiving the request, would determine whether a record exists of a prior request by the user, for example, whether the user has a valid financial account with the identified financial institution. The purpose of such a determination would be to ensure that the peer receiving the request is able to process the request for the user and prevent wasteful use of resources. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for a peer receiving such a request in Sneed to determine whether the user has a valid financial account with the identified financial institution in order to ensure that the peer receiving the request is

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able to process the request for the user and prevent wasteful use of resources, as is old and well-known.

31. Regarding claim 10, as discussed above, Pouyoul teaches that it would have been obvious to include a pinging process in Sneed. Sneed further discloses that a peer receiving a request for payment processing services determines whether a characteristic of the record is sufficient for the pinged peer to authorize the payment request. Namely, the system processing the payment in Sneed determines whether the user's credit card is approved (paragraphs 0031-0034), for the purpose of preventing fraud and ensuring a valid transaction.

32. Regarding claim 11, as discussed above, Pouyoul teaches that it would have been obvious to include a pinging process in Sneed. Sneed further discloses that the pinged peer declines to provide the payment processing service. As above, the system processing the payment in Sneed determines whether the user's credit card is approved (paragraphs 0031-0034), for the purpose of preventing fraud and ensuring a valid transaction.

33. Regarding claim 12, Pouyoul further discloses attempting by the pinged peer to locate an alternate peer likely to provide the payment processing service (column 37, lines 4-51).

34. Regarding claim 13, Pouyoul further discloses that the pinged peer, if successful in locating the alternate peer, responds to the pinging by providing a route to the alternate peer (column 37, lines 4-51).

35. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sneed in view of Leib, et al. (US Patent No. 6,772,048).

36. Regarding claim 18, Sneed teaches the limitations of claim 1, as discussed above. However, Sneed does not explicitly disclose that the system may include a vending machine. Leib, in an analogous art, teaches a vending machine system wherein vending machines are networked together to define a peer-to-peer network for the purpose of providing a system that is payment system that is highly flexible and versatile, yet relatively inexpensive to create (column 5, lines 1-55 and column 6, lines 40-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sneed to include vending machines in the network in order to providing a payment system that is highly flexible and versatile, yet relatively inexpensive to create, for multiple goods and services, as taught by Leib.

37. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sneed in view of Official Notice.

38. Regarding claim 22, Sneed teaches the limitations of claim 21, as discussed above. In particular, Sneed discloses the use of a security protocols in financial transaction (paragraph 0031). However, Sneed does not expressly teach that the security process may be an authentication process. The Examiner takes Official Notice that it was old and well-known in the art at the time the invention was made to require an authentication process during a financial transaction, such as the entry of a personal identification number (PIN) or biometric data, for the purpose of preventing fraud and unauthorized use of credit and debit cards. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sneed to require the user to submit to an authentication process when paying by credit card to prevent fraud and unauthorized use of the card, as was old and well-known in the art.

39. Regarding claim 23, Sneed teaches the limitations of claim 21, as discussed above. In particular, Sneed discloses the use of a security protocols in financial transaction (paragraph 0031). However, Sneed does not expressly teach that the security protocol may be a secure data tunnel. The Examiner takes Official Notice that it was old and well-known in the art at the time the invention was made to utilize a secure data tunnel, such as a virtual private network (VPN) or secure shell (SSH) tunnel, when transmitting sensitive data, such as data associated with a financial transaction, through an unsecured network for the purpose of preventing unauthorized interception and use of the data. Therefore, it would have been obvious to one of ordinary skill in the art at the

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time the invention was made to modify Sneed to transmit financial data through the network using a secure data tunnel when paying by credit card in order to prevent unauthorized interception and use of the data, as was old and well-known in the art.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABDUL BASIT whose telephone number is 571-272-5506. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Ab

/James P Trammell/
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